

Congress of the United States
Washington, DC 20515

March 25, 2004

The Honorable C.W. Bill Young
Chairman
Committee on Appropriations
The Capitol - H-218
Washington, DC 20515

The Honorable David Obey
Ranking Member
Committee on Appropriations
2314 Rayburn House Office Building
Washington, DC 20515

The Honorable Harold Rogers
Chairman
Appropriations Subcommittee on Homeland Security
B307 Rayburn House Office Building
Washington, DC 20515

The Honorable Martin Olav Sabo
Ranking Member
Appropriations Subcommittee on Homeland Security
2336 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen and Ranking Members:

As the Appropriations Committee considers the Administration's budget request for Fiscal Year 2005, we are writing in strong support of an increase in funding for the Federal Air Marshal Service (FAMS), which is an important component of the nation's layered aviation security strategy.

As you know, the Administration has requested \$613 million for FAMS programs in FY05, a reduction of approximately \$13 million, or 2 percent, compared to the FY04 funding level. We believe that a reduction in funding for FAMS programs and activities would be unwise, particularly at this juncture, when recent events have demonstrated the need for increased cooperation and communication between the FAMS and its counterparts overseas. After more than two dozen international flights were cancelled or delayed during last year's Christmas and New Year's holidays, it became clear that new FAMS initiatives, such as training to assist foreign governments in the establishment or enhancement of their own air marshal

Letter to Appropriators
Federal Air Marshal Service
March 25, 2004

programs, could help reduce the likelihood of disruptions to international air travel when intelligence suggests that specific flights are being targeted by terrorists. The International Federation of Airline Pilots Associations (IFALPA), which represents 100,000 pilots in more than 95 countries, recently noted that many countries are unprepared to implement their own air marshal programs, and attempts “to hurriedly implement one could lead not only to haphazard implementation, which would not meet the high standards expected of such a serious mission, but also could be counterproductive to the mission of enhancing security.” The funding level requested by the Administration in FY05 may prevent the FAMS from launching important new activities, such as international cooperative programs to assist foreign governments in the development of their own robust air marshal programs.

Even if the FAMS does not implement significant new programs during the upcoming fiscal year, anticipated growth in the airline industry will increase the potential workload for Federal Air Marshals. The Federal Aviation Administration (FAA) estimates that two key measures of airline industry growth - average seat miles and revenue passenger miles – will increase between FY04 and FY05. FAA expects average seat miles to increase 3.5% and revenue passenger miles to increase 3.5% for domestic flights. International flights, which recently have been a particular focus for the FAMS, also are expected to increase in FY05 – average seat miles by 5.5% and revenue passenger miles by 5.8%.

We note that last month the FAMS concluded an agreement with the U.S. Secret Service, which will provide the FAMS with details of its flight plans, enabling the FAMS to cover an expanded range of flights. While we welcome this new agreement, we understand that the Secret Service agents onboard flights will not receive training as Federal Air Marshals and are not, in the words of the deputy director of the Secret Service as quoted in media reports, “there to supplant air marshals.” Despite the intensive law enforcement instruction that Secret Service agents receive, they are not substitutes for Federal Air Marshals, nor will they operate according to the same procedures followed by Federal Air Marshals while onboard passenger aircraft. Specifically, Secret Service agents reportedly will respond to in-flight incidents only if the flight crew requests their assistance, which is a departure from the standard operating procedures of Federal Air Marshals, who are trained to recognize and respond to incidents without prompting from the flight crew.

In the two and a half years since the September 11th terrorist attacks, the FAMS has been transformed from an organization with approximately thirty air marshals focused on the prevention of international hijackings to a corps of several thousand marshals responsible for the protection of passengers, crews and aircraft on both international and domestic flights. In addition to the steep increase in personnel levels and rapid expansion of its mission, the FAMS also has experienced three significant organizational transfers in less than three years. In November 2001, authority over the FAMS shifted from the FAA to the Transportation Security Administration (TSA) within the Department of Transportation; when the Department of

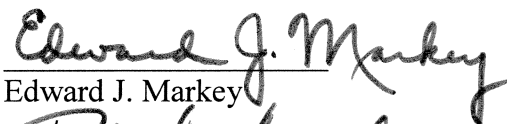
Letter to Appropriators
Federal Air Marshal Service
March 25, 2004

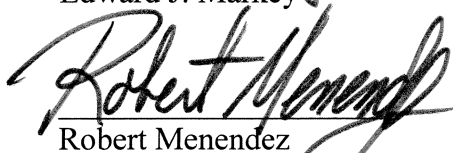
Homeland Security (DHS) was established in March 2003, the FAMS was incorporated into DHS along with TSA; in November 2003, the FAMS was transferred within DHS from TSA to the Bureau of Customs and Immigration Enforcement (ICE).

In its November 2003 report on the FAMS, the General Accounting Office noted that the FAMS integration into ICE will present training, coordination and administration challenges for the FAMS as it adjusts to the merger. Although the merger eventually could produce some cost efficiencies, particularly in the area of centralized training, the GAO report notes that in the short-term a range of new activities will have to be undertaken, such as a needs assessment to identify training requirements, the creation and approval of cross-training requirements and curricula, and coordination of the new training with current mission requirements.¹ These new activities may require the FAMS to expend additional resources.

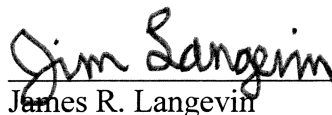
At this critical point in the FAMS' organizational and programmatic development, we urge the Committee to provide the FAMS with a level of funding that will support the FAMS in its efforts to reach the full staffing level it requires for adequate coverage of flights. The Federal Air Marshal program is a vital component of our aviation security strategy, and we believe strongly that its FY05 appropriation should reflect this level of importance.

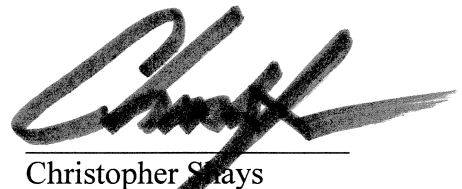
Sincerely,

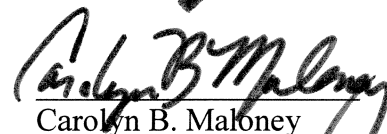

Edward J. Markey

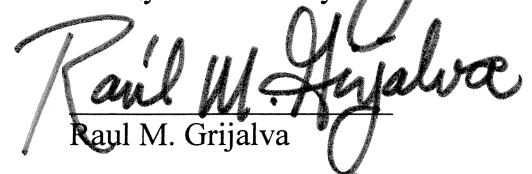

Robert Menendez


William D. Delahunt


James R. Langevin


Christopher Shays


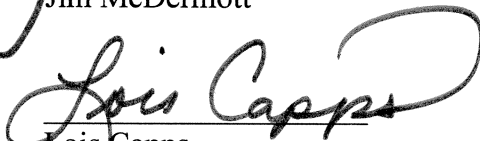
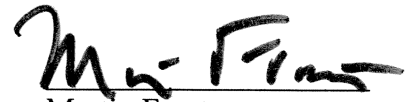



Carolyn B. Maloney


Raul M. Grijalva


Norman D. Dicks

¹ "Federal Air Marshal Service Is Addressing Challenges of Its Expanded Mission and Workforce, but Additional Actions Needed", GAO-04-242, November 2003.

Letter to Appropriators
Federal Air Marshal Service
March 25, 2004


Eleanor Holmes Norton
Donna M. Christensen
Jim McDermott
Lois Capps
Martin Frost
Loretta Sanchez
Michael R. McNulty